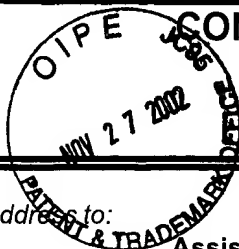


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#39108 PA/0091

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

019/224P

First Named Inventor

Gregg B. Morin, et al.

Examiner Name

Sumesh Kaushal

Group Art Unit

1636

Express Mail Label No.

EF279101216US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 042,460,  
filed on March 16, 1998, entitled Mouse Telomerase Reverse Transcriptase

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed. (16 pages plus 1 reference article)
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed: (2 pages)
  - ☒ PTO-1449 (1 page)
  - ☒ Copies of IDS Citations (7 references)

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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01 FC:2006 370.00 CH  
02 FC:2201 42.00 CH

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	15	-20* =	0	x \$ _____ =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4	-3** =	1	x \$ 84.00 =	84.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	824.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					412.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	412.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 07 - 1139:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Petition for 3 Month Extension of Time

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
**UNLESS** a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

J. Michael Schiff

Signature

Registration No. (Attorney/Agent)

40,253

Date

Nov 27/02



#40  
Amend E

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents & Trademarks, Washington, D.C. 20231, on the date indicated.

Makausky  
Name

November 27, 2002  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 04 2002

TECH CENTER 1600/2900

In the application of: Gregg Morin et al.

Art Unit: 1633

Serial No.: 09/042,460

Examiner: Sumesh Kaushal, Ph.D.

Docket: 019/224p

Filing Date: March 16, 1998

For: MOUSE TELOMERASE  
REVERSE TRANSCRIPTASE

AMENDMENT AND RESPONSE TO OFFICE ACTION  
ACCOMPANYING A CONTINUED PROSECUTION APPLICATION  
PURSUANT TO 37 CFR § 1.53(d)(5)

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Dear Sir,

This paper is responsive to the Office Action dated February 28, 2002 (Paper No. 31). A Notice of Appeal was filed in this application on June 28, 2002. Accompanying this Amendment is a Petition for a three-month extension of time, along with authorization to charge the deposit account with the requisite fee (extending prosecution of this application at least until November 28, 2002), and an Application for Continued Prosecution under 37 CFR § 1.53(d).

Applicants have given careful consideration to the analysis in the Office Action. Please enter the following amendments and remarks.